

REMARKS

I. Formal Matters

Claims 1-5 and 9-10 have been amended. Claims 13-20 have been added.

Claim 1 has been amended to provide structural cooperative relationships of elements, as referenced in the Examiner's rejection to Claim 1 under 35 U.S.C. §112, ¶2. Support for the current Amendment to Claim 1 can be found in Claim 1, as originally presented, and the Specification on page 8, line-page 9, line 17. Claims 2, 3, 4, 5, 9, and 10 were amended to overcome rejections to the specified claim language under 35 U.S.C. §112, ¶2. No new matter has been presented in amended Claims 2, 3, 4, 5, 9, and 10. Claims 13-20 have been added. Support for new Claim 13 is found on page 41, line 28-page 42, line 2 of the Specification, as originally filed. Support for new Claim 14 is found in the Specification on page 41, line 31-page 42, line 2. Support for new Claim 15 can be found in the Specification on page 10, lines 10-16. Support for new Claim 16 can be found in the Specification on page 20, lines 2-5. Support for new Claim 17 can be found in the Specification on page 42, line 31-page 43, line 3. Support for new Claim 18 can be found in the Specification on page 41(?), lines 4-27. Support for new Claim 19 can be found in the Specification on page 12, line 26-page 13-line 23. Support for new Claim 20 can be found in the Specification on page 41, lines 4-27. No new matter has been presented in new Claims 13-20. Claim 1-20 remain in this Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

Attached hereto is a marked-up version of the changes made to the Specification and claims by the current Amendment. The attached page is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

II. Title

The Examiner has requested a new title to the invention that is indicative of the invention to which the claims are directed. Applicants have amended the title to "A Semi-Enclosed Applicator Having a Temperature Changing Element," as suggested by the Examiner.

III. Priority

Applicants have amended the Specification pursuant to 37 C.F.R. §1.78(a)(2) and 37 C.F.R. §1.78(a)(5) to include a cross-reference to prior applications to which the instant Application claims priority.

IV. Drawings

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a). Applicants are submitting formal drawings to the Official Draftsperson under separate cover pursuant to M.P.E.P. §608.02(r). Applicants believe the formal drawings to be consistent with 37 C.F.R. §1.83(a) and M.P.E.P. §608.02(r). Applicants are also providing a courtesy copy of the formal drawings to the Examiner herein.

V. Specification

The Examiner states that the Application does not contain an Abstract of the disclosure as required by 37 C.F.R. §1.72(b). Applicants believe an Abstract of the disclosure was included with the international application pursuant to 35 U.S.C. §371(c)(2). This is evidenced by the copy of the Abstract appearing within the international application. However, in order to expedite prosecution of the instant Application, Applicants submit a clean copy of the Abstract herein.

The Examiner has requested Applicants review the Specification for the correction of any errors of which the Applicants may become aware. In particular, the Examiner objected to the disclosure for describing which structure constitutes a first side and a second side of the instant invention. Applicants respectfully direct the Examiner to page 8, line 27-page 9, line 3 of the Specification, as originally filed, for the structure describing the first and second sides. Further, the informalities noted by the Examiner, and others noted by Applicants, have been effectuated by Amendments to the instant Application herein. Additionally, the informalities noted by the Examiner to the Claims have been amended herewith.

VI. 35 U.S.C. §101 Rejection

Claims 3 and 10 were rejected under 35 U.S.C. §101 because the claimed recitation of a use without setting forth any steps involved in the process results in an improper definition of a process. Applicants have amended Claims 3 and 10 to remove any process-based limitations. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection to Claims 3 and 10.

VII. 35 U.S.C. §112 Rejections

The Examiner has rejected Claims 1-12 under 35 U.S.C. §112, ¶1 for not enabling a structural cooperative relationship between the temperature changing element and the preceding recited elements of Claim 1. In conjunction with the current Amendment to Claim 1, Applicants respectfully direct the Examiner's attention to the Specification beginning on page 47, line 30 to page 53, line 7 and Figs. 58 and 59 of the instant Application for the required support. The Examiner rejected Claims 1-12 under 35 U.S.C. §112, ¶1 for not reasonably providing enablement for "at least one opening." Applicants respectfully direct the Examiner to page 8, lines 14-18 of the instant Application for

support.

The Examiner rejected Claims 1-12 under 35 U.S.C. §112, ¶1 for not providing enablement for “a temperature changing element.” Applicants respectfully direct the Examiner to page 38, lines 6-22 of the Specification, as originally submitted for support of Applicants’ temperature changing element. Further, Applicants respectfully remind the Examiner that M.P.E.P. §2164.03 states, “The more that is known in the prior art about the nature of the invention, how to make, and how to use the invention, and the more predictable the art is, the less information needs to be explicitly stated in the specification.” If one skilled in the art can readily anticipate the effect of a change within the subject matter to which the claimed invention pertains, then there is predictability in the art. *See In re Marzocchi*, 439 F.2d 220, 223-24, 169 U.S.P.Q. 367, 369-70 (CCPA 1971). In particular, a single embodiment may provide broad enablement in cases involving predictable factors, such as mechanical or electrical elements. *See In re Cook*, 439 F.2d 730, 734, 169 U.S.P.Q. 298, 301 (CCPA 1971). Thus, Applicants believe the present invention to be enabled commensurate in scope with long-standing and current M.P.E.P. and Federal Circuit criteria.

The Examiner also rejected Claims 3 and 4 under 35 U.S.C. §112, ¶1 for failure to support the embodiment which utilizes a temperature changing element that can be used for cleaning, moisturizing, conditioning, or otherwise treating the skin, hair, or nails. Further, the Examiner asserts the disclosure also fails to support a temperature changing element that can be used with a product selected from the group consisting of face cleansers, body cleansers, toners, lotions, moisturizers, ointments, cosmetics/make-ups, medicaments, and related topically applied treatments as claimed in Claim 4. Applicants respectfully direct the Examiner’s attention to page 41, line 4 and page 45, line 1-page 53, line 7 of the Specification, as originally filed, to provide such support.

Claim 12 was rejected under 35 U.S.C. §112, ¶1 for not enabling a massaging structure of rotating or rolling balls, cylinders, and rods. Applicants respectfully direct the Examiner to page 52, lines 31-33 of the Specification, as originally filed for the required support. The Examiner rejected Claim 12 under 35 U.S.C. §112, ¶1 for lack of enablement for a massaging structure of three-dimensional patterns embossed, engraved, or otherwise formed in a solid material. Applicants respectfully direct the Examiner to Fig. 56 and page 59, line 5-page 60, line 4 of the Specification, as originally filed, for support of the limitation presented in Claim 12.

The Examiner has rejected Claim 1 under 35 U.S.C. §112, ¶2 for omitting essential structural cooperative relationships of elements. Applicants have amended Claim 1 to provide such structural cooperative relationships between the elements claimed therein. Further, the Examiner has rejected Claims 3 and 10 under 35 U.S.C. §112, ¶2 for being indefinite for reciting a use without any active positive steps. Applicants have amended Claims 3 and 10 herein to recite structural limitations. Additionally, the Examiner has rejected Claim 9 under 35 U.S.C. §112, ¶2 for a lack of clarity for the term “functional sides.” Applicants respectfully direct the Examiner to page 52, lines 11-23 of the

Specification, as originally filed, for the required clarity.

Based upon the current Amendments and a fair reading of the Specification and drawings, Applicants request that the Examiner's 35 U.S.C. §112, ¶2 rejections to Claims 1-12 be withdrawn.

VIII. 35 U.S.C. §102(b) Rejection

Claims 1-3, 9, and 10 were rejected under 35 U.S.C. §102(b) over *Helenick*, U.S. Patent No. 6,141,801. Claims 1-7, 9, and 10 were rejected under 35 U.S.C. §102(b) over *Sansonetti*, U.S. Patent No. 4,087,675. Applicants traverse these rejections for the following reasons:

1. Applicants' invention, as now presented in Claim 1 by Amendment, requires the product contained within the reservoir to be released to the target surface from the reservoir through the first side.

2. Contrary to Applicants' claimed invention, *Helenick* does not release the product contained within the gel pack onto any target surface after exposure to energy or cooling. *See* Abstract.

3. In fact, *Helenick* requires the gel material to be contained within a sealed bladder constructed of flexible, durable material resistant to heat and rupture. *See* Col. 4, lines 11-12.

4. Contrary to Applicants' claimed invention, *Sansonetti* contains hand cream within a sealed reservoir that is formed by a heat meltable membrane that releases a pre-measured quantity of the cream to a surface **placed within the mitten**. *See* Col. 4, lines 29-35.

5. In fact, *Sansonetti* is silent with regard to distributing a product contained within the reservoir to an external target surface.

6. Due to these considerations, both the *Helenick* and *Sansonetti* references fail to teach each and every element of Applicants' claimed invention. Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) rejection with respect to Claim 1.

Because dependent Claims 2-7, 9, and 10 all depend directly or indirectly from Applicants' independent Claim 1, they contain all of its limitations. For this reason, Applicants submit that the argument made above concerning the allowability of Claim 1 is equally applicable to the rejection of Claims 2-7, 9, and 10 under 35 U.S.C. §102(b). Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §102(b) rejection to Claims 2-7, 9, and 10 over *Helenick* and *Sansonetti*.

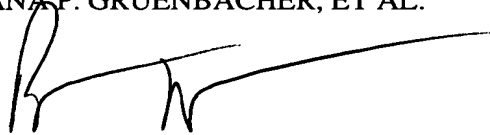
IX. Summary

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

DANA P. GRUENBACHER, ET AL.

A handwritten signature in black ink, appearing to read 'P. D. Meyer', written over a horizontal line.

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ABSTRACT OF THE DISCLOSURE

A semi-enclosed applicator for distributing a substance onto a target surface is disclosed having a first side, having a first internal surface, and a first external surface; a second side having a second internal surface and a second external surface; an internal cavity between the first and second internal surfaces that is externally accessible, and a temperature changing element. The flexible film pouch contains a product located proximate to the first side.

VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the Specification:**

The title of the invention has been replaced with the following title:

--A SEMI-ENCLOSED APPLICATOR [FOR DISTRIBUTING A SUBSTANCE ONTO A TARGET SURFACE] HAVING A TEMPERATURE CHANGING ELEMENT--

The following paragraph has been inserted on page 1, line 4:

--CROSS-REFERENCE TO PRIOR APPLICATIONS

--This application is a continuation of PCT Application No. PCT/US00/27967 filed on October 10, 2000 and published in English, which is a Continuation-In-Part of U.S. Application No. 09/415,866, filed on October 8, 1999, now abandoned, and is a Continuation-In-Part of U.S. Application No. 09/451,536, filed December 1, 1999, now abandoned, and claims the benefit of U.S. Provisional Application No. 60/209,062, filed on June 2, 2000, and claims the benefit of U.S. Provisional Application No. 60/217,172, filed on July 10, 2000.--

The paragraph beginning on page 7, line 15, has been replaced with the following rewritten paragraph:

--As used herein, the term "hand article" refers to a covering for the hand or portion of the hand such as a finger or thumb. The term "disposable" is used herein to describe hand articles that are not intended to be restored or reused (i.e., they are intended to be discarded after a single use or a limited number of uses, and preferably, to be recycled, composted or otherwise disposed of in an environmentally compatible manner). As used herein the term "glove" refers to a covering for the hand having separate sections for each finger. As used herein, the term "mitt" refers to a covering for the hand having an enclosure that leaves some or all of the fingers partially or wholly unseparated and that may include space for the thumb in the main enclosure or may provide space for the thumb in a separate enclosure for the thumb or may not include a thumb enclosure at all. This term is also applicable to an apparatus which covers only one or more digits of a user, such as in the case of a "finger mitt" as described below. While the terms "glove" and "mitt" have been defined with respect to the human hand, similar structures could be utilized to cover or enclose other elements of human anatomy, such as foot coverings, or other items for which coverings of a particular shape are preferred. As used herein, the term "absorb" refers to the penetration of one substance into the mass of another. ASTM [standard test method] D2654-89a "Standard Test Methods for Moisture in

Textiles” should be used to determine the percentage of a liquid, such as water, absorbed and retained. An absorbent fiber for the purposes of the present invention has a moisture regain according to [the] ASTM [standard test method] D2654-89a of greater than about 5% (e.g., a cellulose acetate fiber having a moisture regain of about 6.5%). A non-absorbent fiber for the purposes of the present invention, however, has a moisture regain of less than about 5% (e.g., a polyester fiber having a moisture regain of about 4%). As used herein the term “substantially non-absorbent” is defined as a material composed of a majority of non-absorbent fibers or webs. As used herein the term “substantially absorbent” is defined as a material composed of a majority of absorbent fibers or webs. As used herein the term “extension force” refers to forces applied by hand movements to a surface to extend and/or bend that surface linearly and/or curvilinearly. The term “pouch” or “sachet” is intended to refer to a reservoir made from flexible film that is bonded to create one or more enclosed compartments for containing a substance.--

The paragraph beginning on page 15, line 22, has been replaced with the following rewritten paragraph:

--A reservoir 30 having a frangible seal connected to a distribution channel 44 such as shown in Figure 7, for example, can provide fluid communication with one or more distribution apertures located in a region or application surface of the mitt removed from the location of the reservoir 30 itself. As shown in Figure 18, for example, a reservoir 30 can be located near a cuff region of the mitt such that the reservoir 30 and the frangible seal 40 are located below the palm of the wearer’s hand and the distribution channel 44 provides fluid communication to a portion of the mitt corresponding to the position of a user’s fingers in use. In one embodiment, the distance 76 from the tip of the closed side of the mitt 10 where the fingers of the wearer’s hand are located to the frangible seal 40 can be in the range from about 6.5 inches to about 8.5 inches thus allowing the frangible seal to remain clear of the pressure applied by the palm of the wearer’s hand of about the 97.5 percentile of women (7.5 inches) and of the 97.5 percentile of men (8.2 inches). See, e.g., Dreyfuss, Henry, [The Measure of Man,] “The Measure of Man”, New York; Whitney Library of Design (1969). This location, for example, can space the reservoir away from the region of the mitt that would typically encounter application and scrubbing forces in use, and may allow for sequential dosing of the product in the reservoir by requiring activation by specifically applying force to the cuff region for selectively dispensing the fluid. In this embodiment, the fluid would travel through the channel to the distribution head where the fluid is released on the desired location of the mitt, such as near the fingers in the preferred embodiment. The channel length 78, e.g., the distance from frangible seal 40 to the distribution head 43 shown in Figure 18, is preferably in the range from about 0.5 inches to about 8.5 inches long, more preferably in the range from about 3.5 inches to about 5 inches long.--

The paragraph beginning on page 28, line 17, has been replaced with the following rewritten paragraph:

--In one embodiment, the mitt 10 may be a differentially extensible hand article wherein at least a portion of the mitt extends and/or contracts about a wearer's hand and/or wrist without the use of traditional elastic such as natural or synthetic rubber. By the term "differentially extensible" or "differential extensibility" it is meant herein to describe that quality of extensibility wherein portions of the glove extend or contract independently of other portions in response to varying hand sizes and motions. Preferably, this differential extensibility allows a range of hand sizes to fit comfortably within the mitt. The mitt 10 may be provided with differential extensibility by utilizing a structural elastic-like film web such as those described in commonly-assigned U.S. Patent Nos. 5,518,801, issued to Chappell, et al. on May 21, 1996, and 5,650,214, issued July 22, 1997 in the names of Anderson et al., and [commonly-assigned, co-pending] U.S. Patent Application Serial No. 08/635,220, [filed April 17, 1996 in the names of Davis et al.,] entitled "Fitted Glove", the disclosures of each of which are hereby incorporated herein by reference. Alternatively, differential extensibility to fit varying sized hands comfortably can be accomplished by various elastic-like materials, composite materials that produce elastic-like characteristics and/or processes to make a material(s) more elastic-like. Examples of suitable elastic-like materials include low density polyolefins such as low density polyethylene, linear low density polyethylene, ultra low density ethylene copolymers (copolymerized with alpha-olefins such as butene-1, octene-1, hexene-1, etc.), Affinity® polyolefin plastomers produced by Dow Chemical Company of Midland, MI and Exact® polyolefin plastomers produced by Exxon Chemical of Houston, TX. As used herein, the term "elastic-like" describes the behavior of web materials such as web materials which, when subjected to an applied elongation, extend in the direction of applied elongation. Also, when the applied elongation is released the web materials return, to a substantial degree, to their untensioned condition. The term "web" as used herein refers to a sheet-like material comprising a single layer of material or a laminate of two or more layers.--

The paragraph beginning on page 38, line 23, has been replaced with the following rewritten paragraph:

--An exothermic solid-liquid heating system can include solid components such as calcium oxide, calcium carbonate, calcium sulfate, calcium chloride, cerous chloride, cesium hydroxide, sodium carbonate, ferric chloride, copper sulfate, magnesium sulfate, magnesium perchlorate, aluminum bromide, calcium aluminum hydride, aluminum chloride, sulfur trioxide (alpha form), zeolites (e.g., [Cabsorb®] Carbsorb® 500 Series natural zeolite based on the mineral [*chabazite*] chabazite), mixtures thereof and other solid components of solid-liquid exothermic systems known in

the art and combinations thereof. An endothermic solid-liquid cooling system can include solid components such as sodium sulfate*10H₂O, sodium bicarbonate, potassium perchlorate, potassium sulfate, potassium chloride, potassium chromate, urea, vanillin, calcium nitrate, ammonium nitrate, ammonium dichromate, ammonium chloride and other solid components of endothermic systems known in the art. These solid components may be in an anhydrous form and may be used such as in a powder, granular or prilled condition. These compounds are generally hygroscopic and dissolve in or react with a liquid component, such as water, and give off or absorb heat.--

The paragraph beginning on page 41, line 4, has been replaced with the following rewritten paragraph:

--In order to heat or cool a product within a reservoir 30, the heating/cooling element such as the heating/cooling pouch 302 may be located in intimate contact with the reservoir 30 such as shown in Figure 51 to allow for efficient conductive heat transfer. This may be accomplished by the reservoir 30 and the heating/cooling pouch 302 in contact adjacent to each other when the mitt is combined, or the reservoir 30 and the heating/cooling pouch 302 may be adhered together with an adhesive or other bonding method known in the art. If it is desirable to activate both the reservoir 30 and the heating/cooling pouch 302 simultaneously, the reservoir 30 may be located directly over the portion of the heating/cooling pouch 302, such as one or more of the compartments 308 and 310 that contains a liquid component of the heating/cooling system. If it is desirable to activate the [reservoir] reservoir 30 and the heating/cooling pouch 302 sequentially or at different intervals, such as to heat / cool the product in the reservoir or to heat/cool a substrate of the mitt 10 before or after the product is dispensed from the reservoir 30, the fluid-containing reservoir can be located away from the activation portion of the heating/cooling pouch. For example, the compartment 266 of the heating/cooling element shown in Figures 28 and 29 may be offset laterally from the reservoir 30 such that the compartment 264 is offset from the reservoir 30 but the compartment 268 directly underlies the reservoir 30. In this embodiment, the heating/cooling element may be activated by pressing on the compartment 266 to rupture the frangible seal 242 and to expel the liquid first component 264 from the compartment 266 into the compartment 268 that contains a second component 244 of the heating/cooling system. The liquid first component 264 may react or combine into solution with the second component 244 in an exothermic or endothermic event. Then, when the product in the reservoir 30 has been heated/cooled, the reservoir 30 may be pressed to dispense the product.--

The paragraph beginning on page 42, line 31, has been replaced with the following rewritten paragraph:

--Alternatively, a heating/cooling element such as the pouch 302 may be located internally in the reservoir 30 to allow for a combination of conductive and convective heat transfer such as

described and illustrated in [Co-pending United States Application Serial No. _____ entitled "Product Dispenser Having Internal Temperature Changing Element" filed by Gary C. Joseph and Piyush N. Zaveri on October 9, 2000 (P&G Case No. TOM1), which is incorporated by reference] U.S. Patent No. 6,484,514, issued November 26, 2002 to Joseph, et al.--

The paragraph beginning on page 45, line 2, has been replaced with the following rewritten paragraph:

--An applicator made in accordance with the present invention may include a glass cleaning mitt, such as described in detail in copending United States Application Serial No. [_____] 10/089,355 entitled "Semi-enclosed Applicator for Distributing a Substance onto A [target] Target Surface" and filed by Gruenbacher et al on October 9, 2000 [(P&G Case No. 8116M)], which is incorporated by reference. The glass cleaning mitt can provide a flexible structure for distributing glass cleaning substance onto a target glass surface. Such an applicator might include a first fluid-containing reservoir having a predetermined amount (e.g., in the range from about 5 cc's to about 20 cc's) of a liquid cleaning product such the CINCH® brand product as available from The Procter & Gamble Company, Cincinnati, Ohio. The mitt itself may include a front panel layer comprising a polypropylene spunbonded nonwoven material to provide a substrate for spreading the cleaning substance and scrubbing the surface with the cleaning solution. For example, a spunbonded non-woven may be provided having a basis weight in the range from about 10 gsm to about 100 gsm, more preferably from about 15 gsm to about 55 gsm, and most preferably from about 25 gsm to about 45 gsm in order to provide sufficient durability and strength to provide a resilient glass cleaning product. A spunbonded nonwoven is commercially available from BBA Nonwoven of Simpsonville, South Carolina, under the Celestra name. This material is preferably substantially free of surfactants or other treatments that might leave residual material on the surface being cleaned.--

The paragraph beginning on page 48, line 5, has been replaced with the following rewritten paragraph:

--As shown in Figure 58, for example, a two-finger mitt 558 for applying a heated moisturizer to the face may be made in accordance with the present invention. In this embodiment, the mitt 558 may include a heat producing pouch 302 and a product dispensing pouch 30 that may be similar to that shown in Figure 4. As shown in the cross-section Figure 59, the top panel 564 may be constructed of a hydroentangled nonwoven having a basis weight of about 60 gsm that may include approximately 75% [polester] polyester and approximately 25% rayon. This structure may slow product release once the pouches have been ruptured by limiting product escape, and it may also provide an exfoliation benefit to the skin as outer surface 570 rubs across the face during application. As demonstrated in Figure 48, the features of the product pouch 30 and heat pouch 302 may be

combined into a single pouch 326 featuring separated compartments. The pouch may be folded between the product compartment 318 and reactant compartment 320 such that compartment 318 rests on compartment 320 when assembled into the mitt such as shown in Figure 50. The pouch may be oriented in the mitt such that compartment 322 is closer to the finger tips than the compartment 320. In one particular embodiment, the compartment 320 may contain about 1 gram of H_2O and the compartment 322 may contain about 1 gram of $MgSO_4$. A frangible seal 324 may be sealed under conditions such that it would rupture with less force than the frangible seal 314. Thus, when squeezed by the user, the product would not be released from the compartment 318 until the heat-producing reactants are allowed to mix. Because of the pouch arrangement and orientation, the product from the pouch 318 may be expelled onto compartment 322. Thus, because the heating area, the location of product expelled, and location of the user's fingers, the heat cell may heat the product and the user's skin as it is pressed and rubbed against the face. The barrier layer 566 may be a 5 mm thick open-cell polyurethane foam to prevent product from reaching the fingers and to also insulate the fingers from uncomfortable levels of heat. Furthermore, the barrier layer may prevent the tactile properties of the product released from compartment 318 from being noticed by the user. Finally, the backsheet 568 may be constructed of 20 GSM carded polyethylene nonwoven. The cross machine direction of the nonwoven, for example, may be oriented such that it is perpendicular to the length of the users fingers when placed on the hand. This may allow the mitt to accept a variety of finger sizes since the strength in the cross-machine direction is less than that of the machine direction of the nonwoven; thus, the backsheet can be stretched to accommodate the user's fingers. To use the applicator, the user may press the applicator on pouch 318 to release the product and simultaneously activate the heating pouch. The user may then apply the product to the face by rubbing the mitt against the skin.--

The paragraph beginning on page 48, line 8, has been replaced with the following rewritten paragraph:

--In preferred embodiments, compositions of the present invention may be suitable for application to the skin, hair, or nails of humans or animals, which means that the composition and its components are suitable for use in contact with skin, hair, and nails without undue toxicity, incompatibility, instability, allergic response, and the like within the scope of sound medical judgment. Such products are comprised of a single or plurality of ingredient components, and may include a topically active component or combination of active components. These components may include, but are not limited to, conventional ingredients such as alcohols, colorants/pigments, emollients, emulsifiers, oils, polymers, waxes, and the like depending on the product type, and can be routinely chosen by one skilled in the art for a given product type. [*The CTFA Cosmetic Ingredient Handbook*] The CTFA Cosmetic Ingredient Handbook, Second Edition (1992) describes a wide variety of non-limiting cosmetic and pharmaceutical ingredients commonly used in the skin care

industry, which are suitable for use in the composition of the present invention. Examples of these ingredient classes include: abrasives, absorbents, aesthetic components such as fragrances, pigments, colorings/colorants, essential oils, skin sensates, astringents, etc. (e.g., clove oil, menthol, camphor, eucalyptus oil, eugenol, methyl lactate witch hazel distillate), anti-acne agents, anti-caking agents, anti-foaming agents, anti-fungal agents, anti-inflammatory agents, anti-microbial agents (e.g., iodopropyl butylcarbamate), anti-oxidants, anti-wrinkle agents, binders, biological additives, buffering agents, bulking agents, chelating agents, chemical additives, colorings/colorants, cosmetic astringents, cosmetic biocides, denaturants, desquamation actives, drug astringents, external analgesics, film formers or materials, e.g., polymers, for aiding the film-forming properties or substantivity of the composition (e.g., copolymer of eicosene and vinyl pyrrolidone), opacifying agents, pH adjusters, reducing agents, sequestrants, skin bleaching and lightening agents (e.g., hydroquinone, kojic acid, ascorbic acid, magnesium ascorbyl phosphate, ascorbyl glucosamine), skin coloring or tanning agents, skin-conditioning agents (e.g., humectants, including miscellaneous and occlusive), skin-soothing and/or healing agents (e.g., panthenol and derivatives (e.g., ethyl panthenol), aloe vera, pantothenic acid and its derivatives, allantoin, bisabolol, and dipotassium glycyrrhizinate), skin-treating agents, sunscreens, thickeners, and vitamins and derivatives thereof.--

In the Claims:

Claims 1, 2, 3, 4, 5, 9, and 10 have been amended as follows:

1. (Amended) A semi-enclosed applicator for distributing a [substance] product having a first temperature onto a target surface, said applicator comprising:
 - (a) a first side having a first internal surface and a first external surface;
 - (b) a second side having a second internal surface and a second external surface;
wherein said first internal surface and said second internal surface form an internal cavity therebetween, said internal cavity having at least one externally accessible opening;
 - [(c) an internal cavity between said first and second internal surfaces;
 - (d) at least one opening, wherein said internal cavity is externally accessible;
 - (e) a rupturable flexible film pouch containing a product located proximately to said first side; and
 - (f) a temperature changing element.]
 - (c) a rupturable reservoir containing said product located proximate to said first internal surface; and,
 - (d) an activatable temperature changing element located proximate to said pouch; and,
wherein said temperature changing element changes said first temperature of said product upon activation and prior to said product being released from said reservoir to

said target surface through said first side in response to an application of pressure to said rupturable reservoir.

2. (Amended) The applicator of Claim 1, wherein said temperature changing element is located between said first and second [sides] internal surfaces.
3. (Amended) The applicator of Claim 1, wherein said applicator is [intended for purposes of] adapted to [cleaning, moisturizing, conditioning,] cleanse, moisturize, condition, or otherwise [treating] treat [the] skin, hair, [or] nails, or combinations thereof.
4. (Amended) The applicator of Claim 1, wherein said product is selected from the group consisting of face cleansers, body cleansers, toners, lotions, moisturizers, ointments, cosmetics/make-ups, medicaments, [and] related topically applied treatments, and combinations thereof.
5. (Amended) The applicator of Claim 4, wherein said product comprises components selected from the group consisting of alcohols, colorants/pigments, emollients, emulsifiers, oils, polymers, waxes, and the like [depending on the product type].
9. The applicator of Claim 1, wherein said first side and said second side each comprise [product has more than one] at least one functional [sides] side.
10. The applicator of Claim 9, wherein [said] at least one of said at least one functional [sides are] side is adapted [for] to [cleansing, scrubbing, exfoliating of] cleanse, scrub, or exfoliate dead skin cells, [absorbing or picking] absorb or pick up substances from [the] said target surface, or [depositing] deposit substances to [the] said target surface.

New Claims 13-20 were added as follows:

13. (New) A semi-enclosed applicator for distributing a product having a first temperature onto a target surface, said applicator comprising:
 - a. a first side having a first internal surface and a first external surface;
 - b. a second side having a second internal surface and a second external surface;
 wherein said first internal surface and said second internal surface form an internal cavity therebetween, said internal cavity having at least one externally accessible opening;

- c. a rupturable reservoir containing said product located proximate to said first external surface; and,
 - d. an activatable temperature changing element located proximate to said pouch for changing said first temperature of said product;
 wherein said temperature changing element changes said first temperature of said product upon activation; and,
 wherein said product is released from said reservoir to said target surface upon the application of pressure to said rupturable reservoir.
14. (New) The applicator of Claim 13, wherein said temperature changing element is located on said first external surface.
15. (New) The applicator of Claim 13, wherein said rupturable pouch is provided with a frangible seal having a resistance to bursting.
16. (New) The applicator of Claim 13, further comprising a barrier layer disposed proximate to said first internal surface, said barrier layer being substantially impervious to said product.
17. (New) A semi-enclosed applicator for distributing a product having a first temperature onto a target surface, said applicator comprising:
- (a) a first side;
 - (b) a second side opposed to said first side;
 - (c) an internal cavity between said first and second sides, said applicator further having at least one opening such that said internal cavity is externally accessible;
 - (d) a rupturable reservoir containing said product disposed within said internal cavity;
 and,
 - (e) an activatable self-enclosed temperature changing element disposed within said product for heating said product;
 wherein said temperature changing element changes said first temperature of said product upon activation; and,
 wherein said product is released from said reservoir to said target surface through said first side upon an application of pressure to said rupturable reservoir.
18. (New) The applicator of Claim 17, wherein said temperature changing element changes the temperature of said product as said product is released from said reservoir.

19. (New) The applicator of Claim 17, wherein said reservoir further comprises a distribution channel, wherein said distribution channel controls the dispensing rate and direction of said product from said reservoir.
20. (New) The applicator of Claim 17, wherein said temperature changing element is disposed within said distribution channel.



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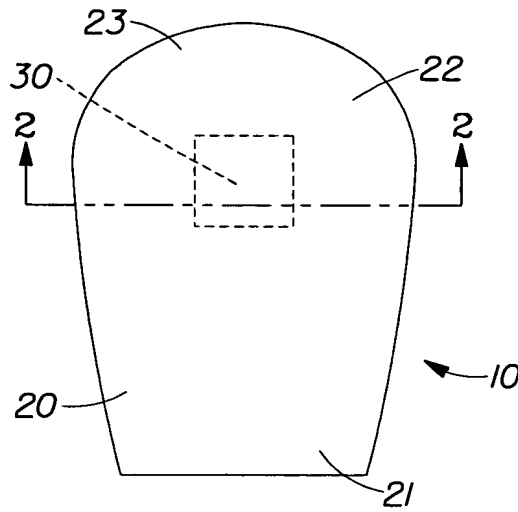


Fig. 1

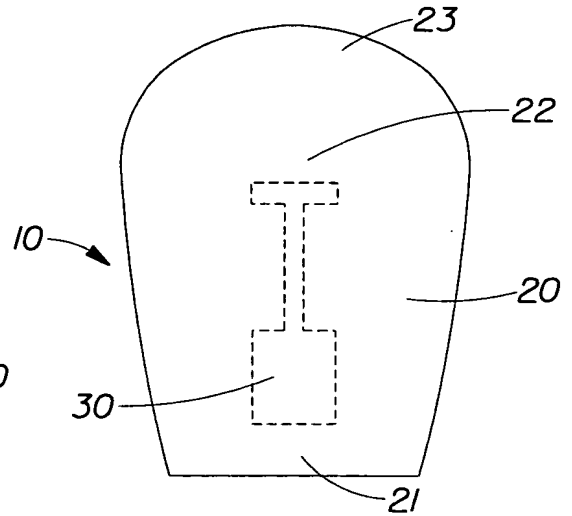


Fig. 3

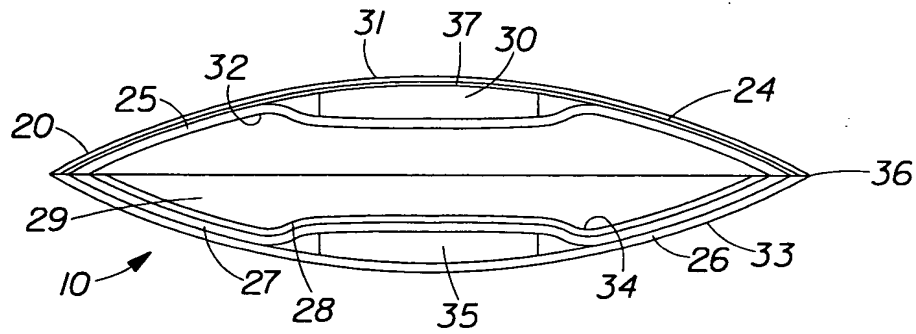


Fig. 2

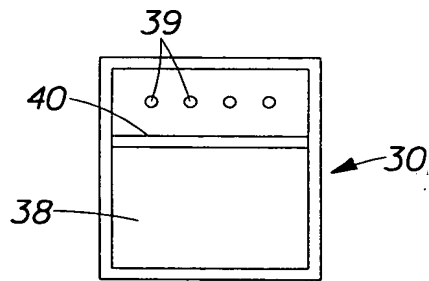


Fig. 4

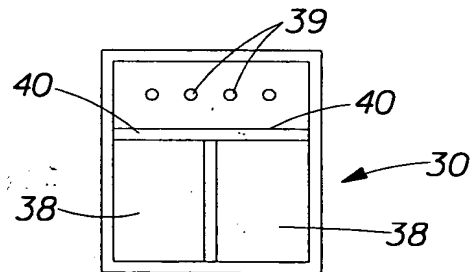


Fig. 5



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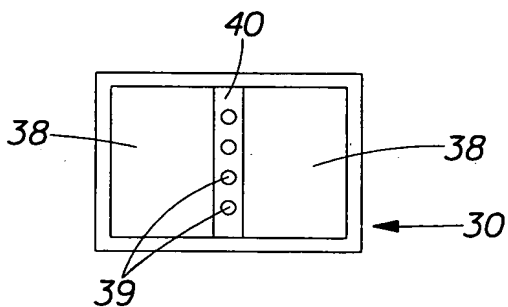


Fig. 6

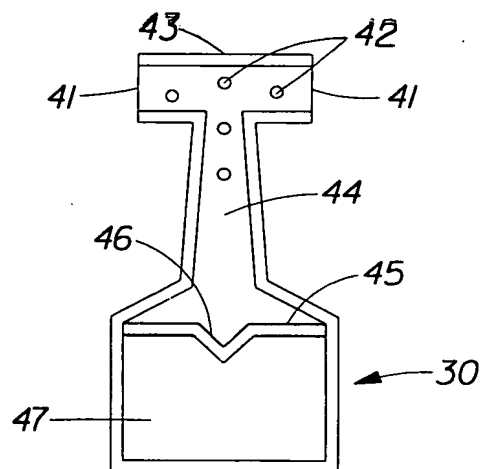


Fig. 7

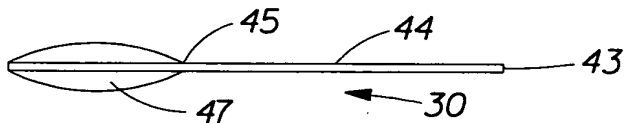


Fig. 8

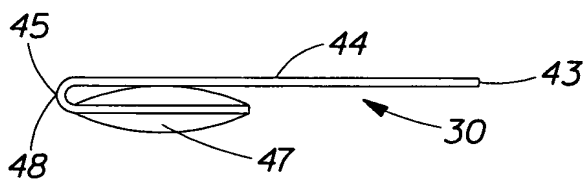


Fig. 9

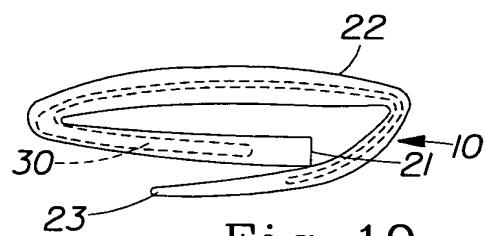


Fig. 10

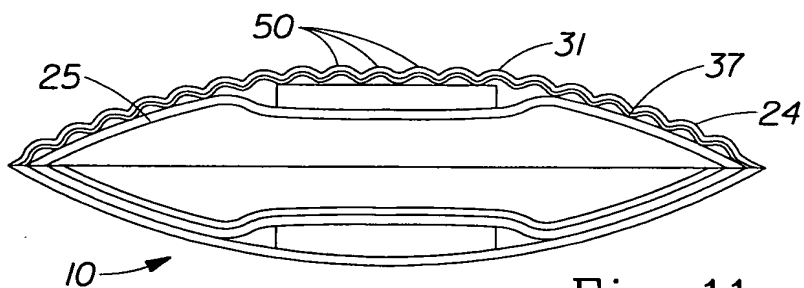
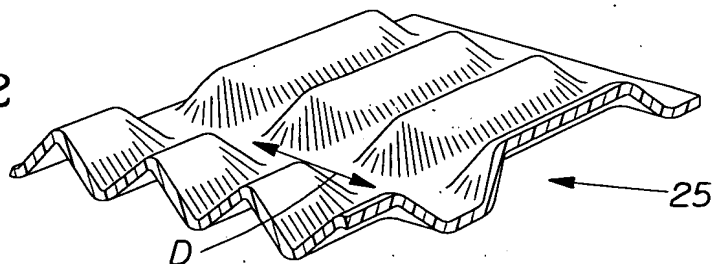


Fig. 11

Fig. 12





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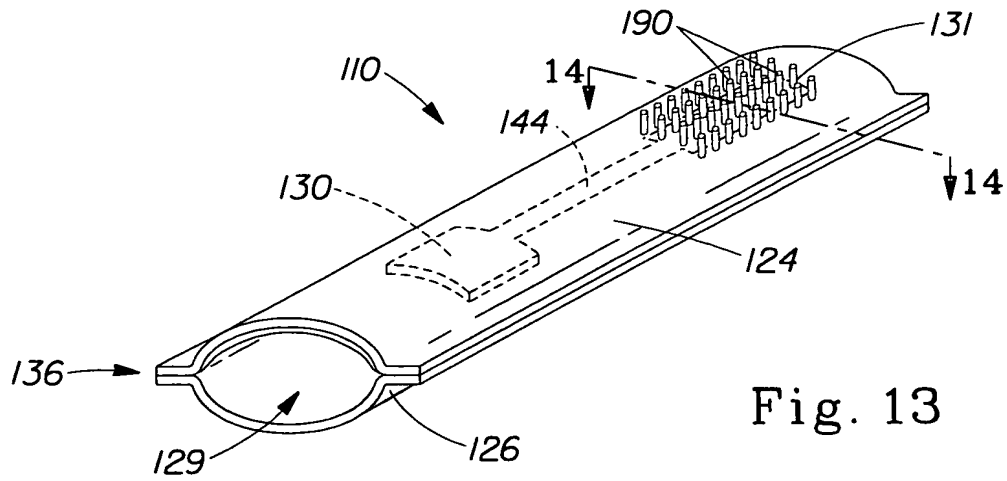


Fig. 13

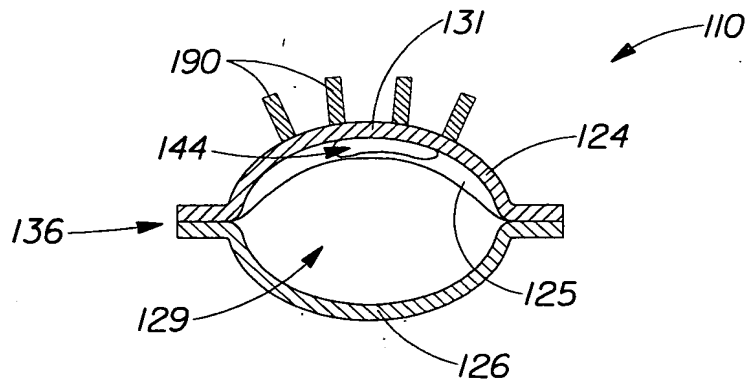


Fig. 14



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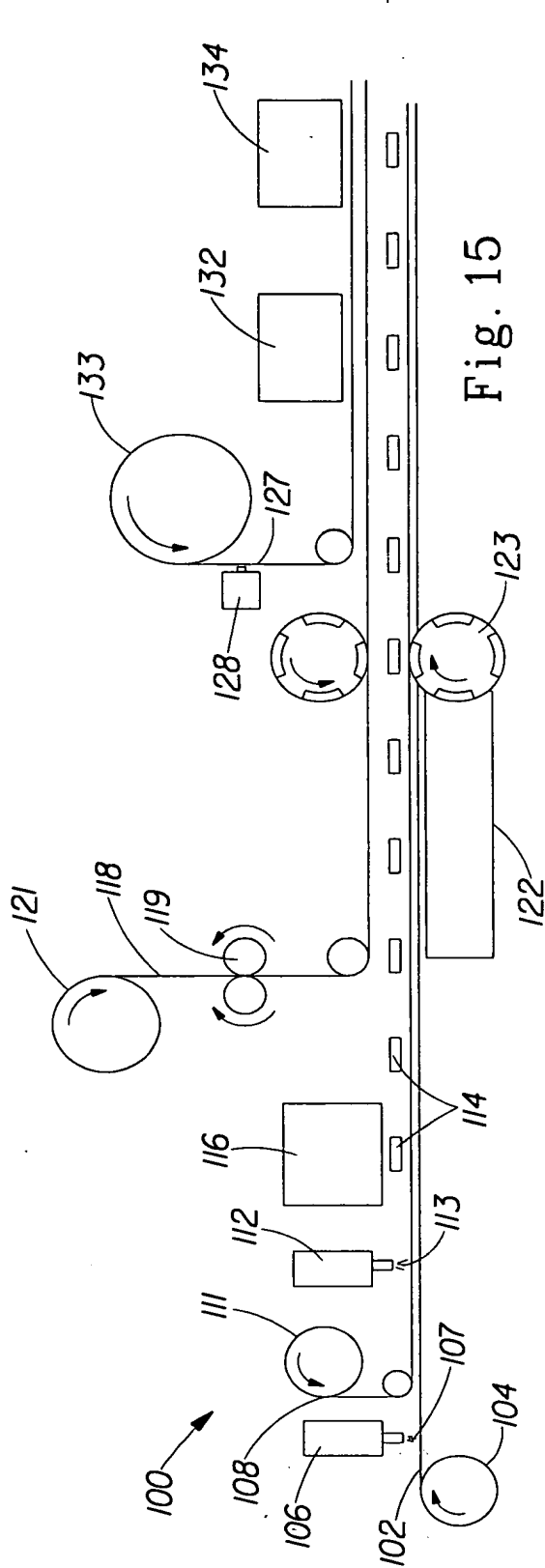


Fig. 15

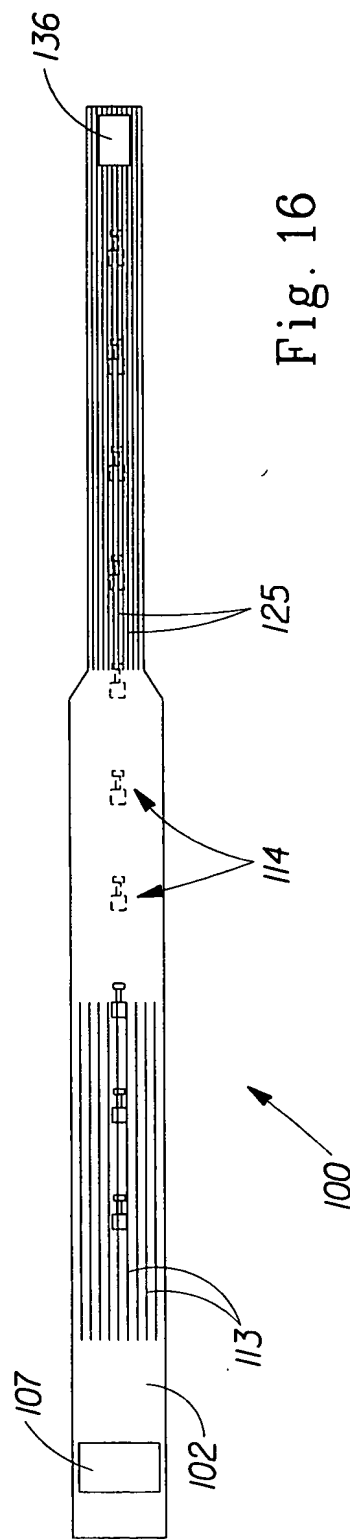


Fig. 16



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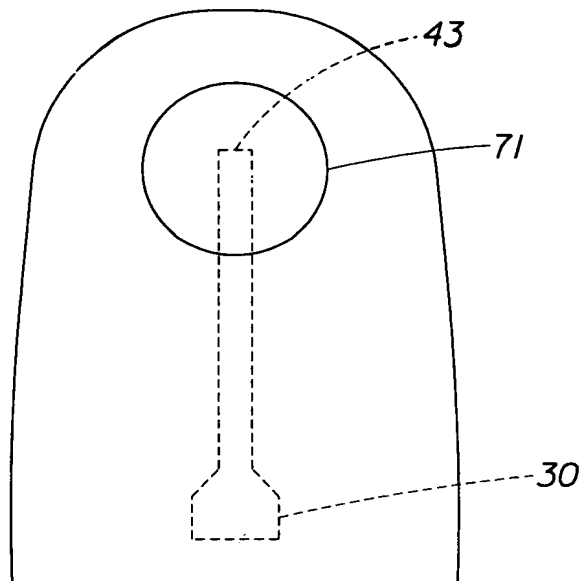


Fig. 17

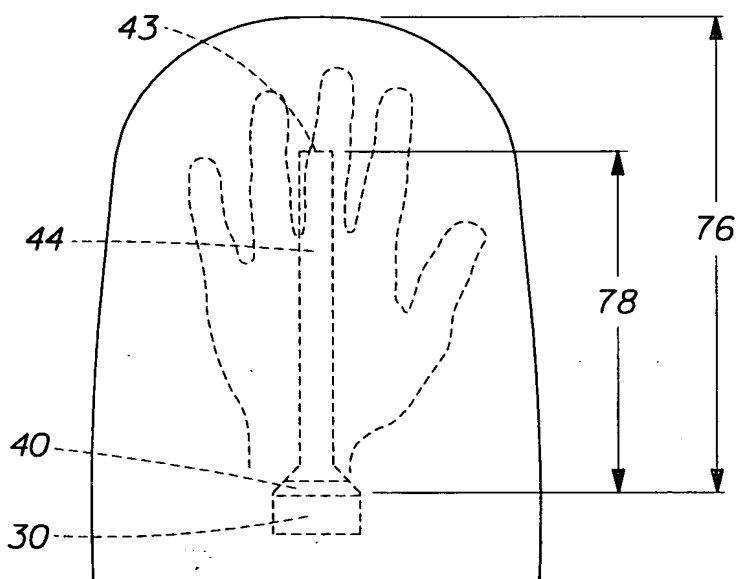


Fig. 18



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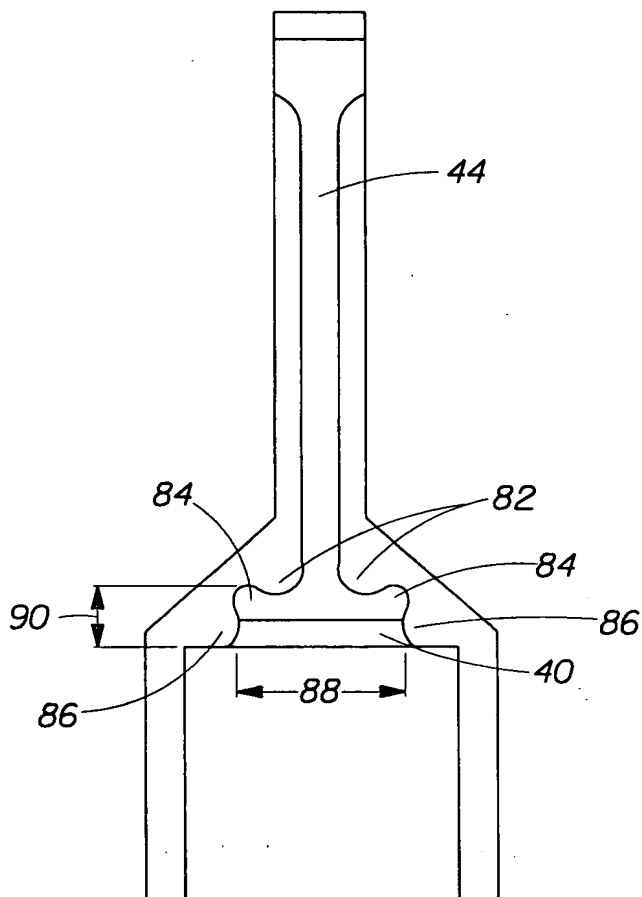


Fig. 19



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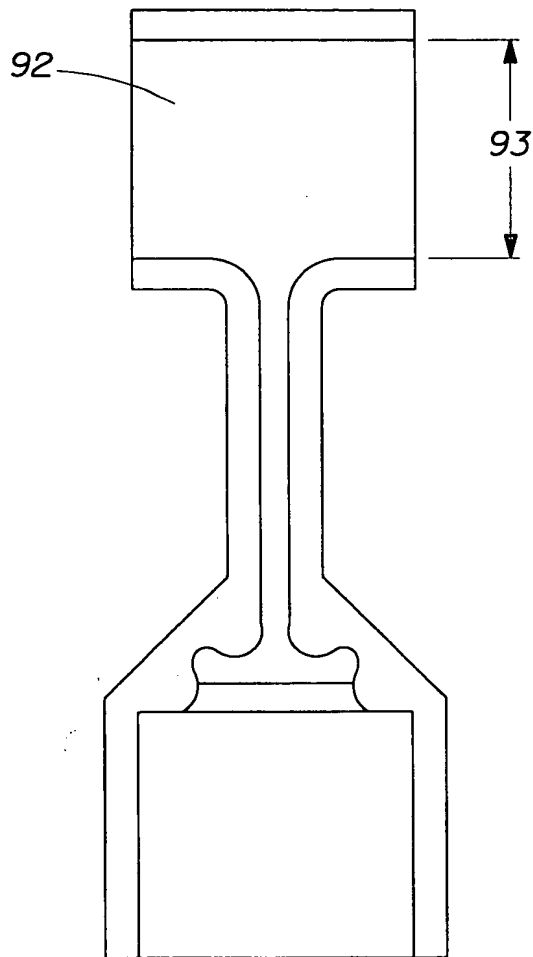


Fig. 20



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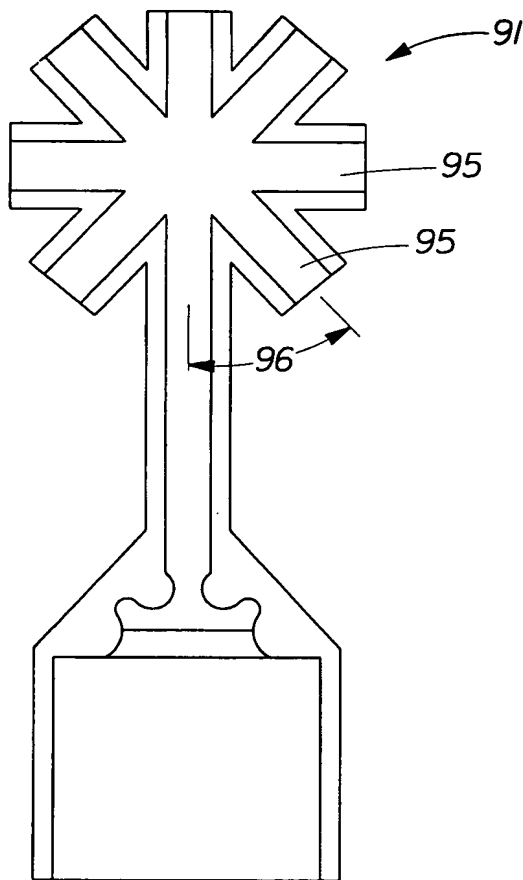


Fig. 21



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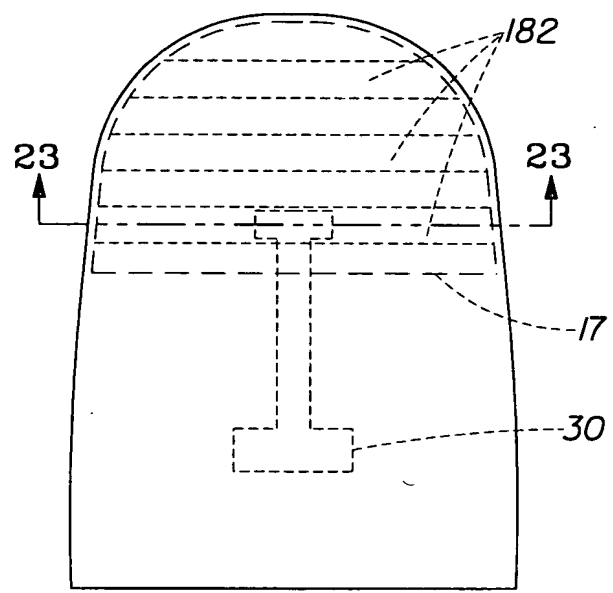


Fig. 22

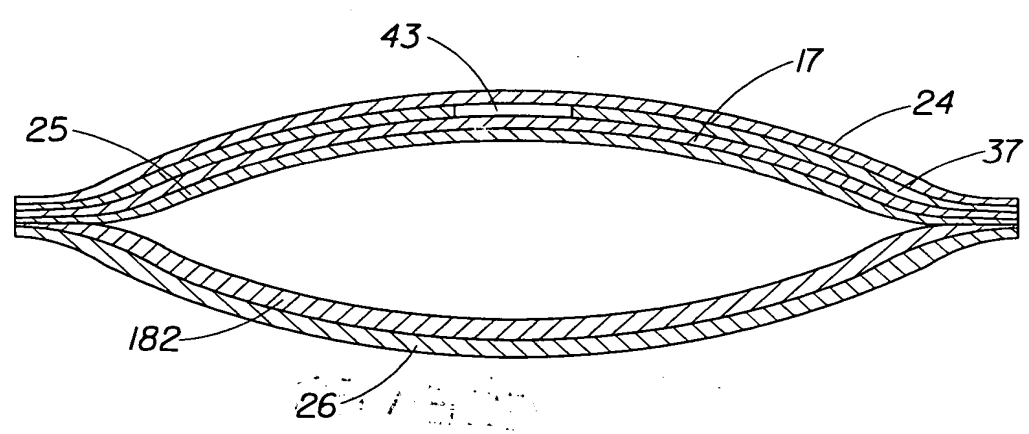


Fig. 23



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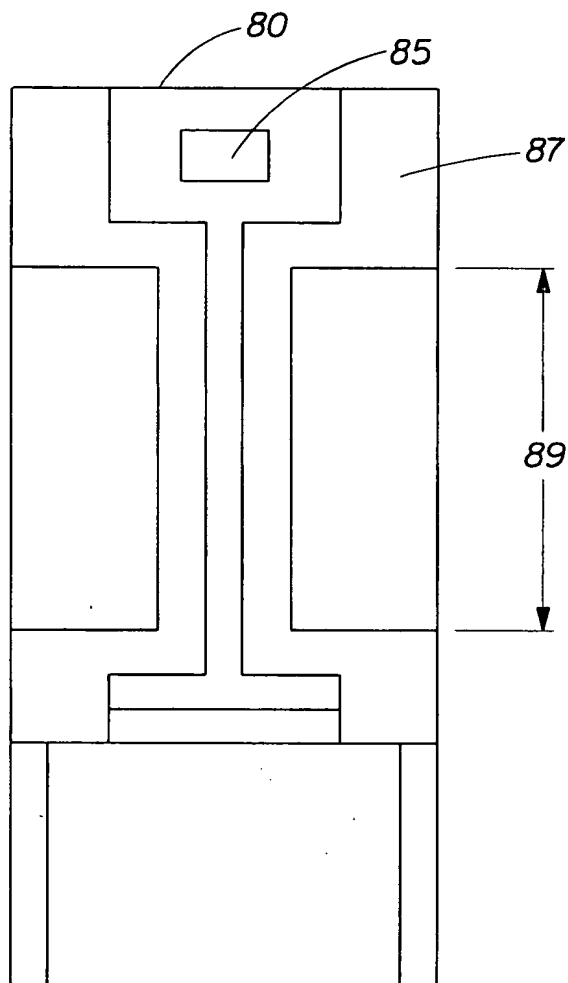


Fig. 24



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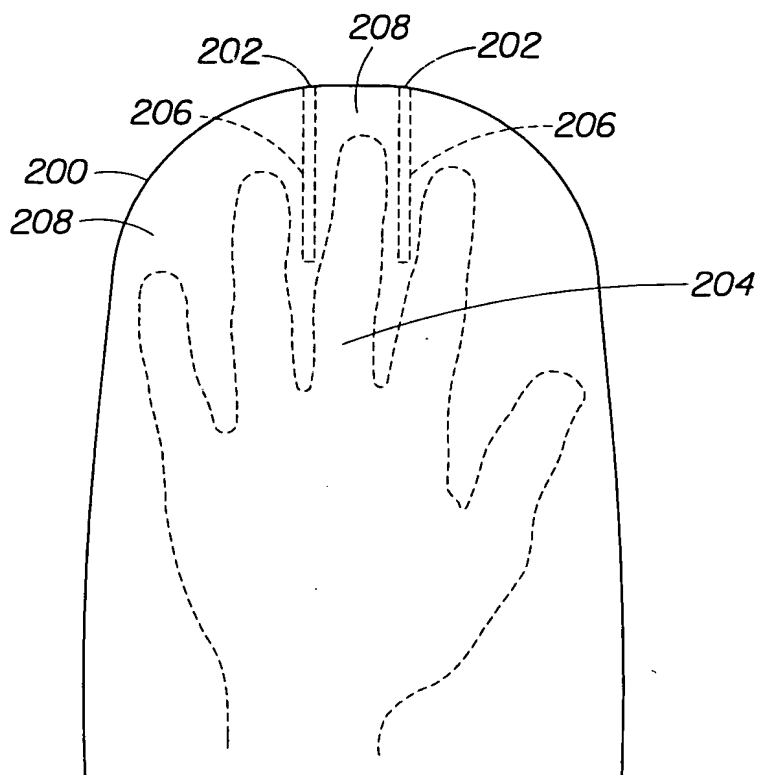


Fig. 25



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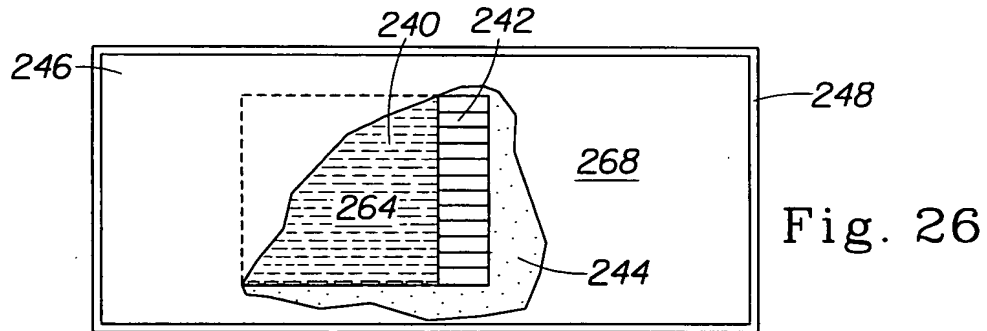


Fig. 26

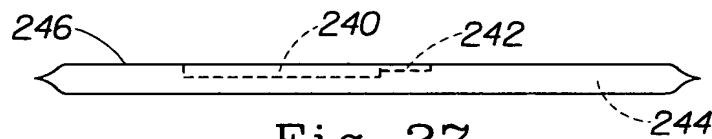


Fig. 27

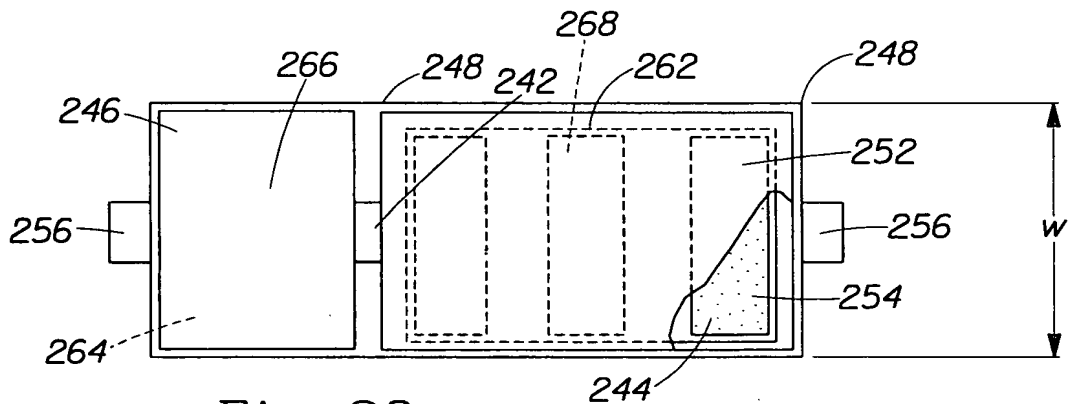


Fig. 28

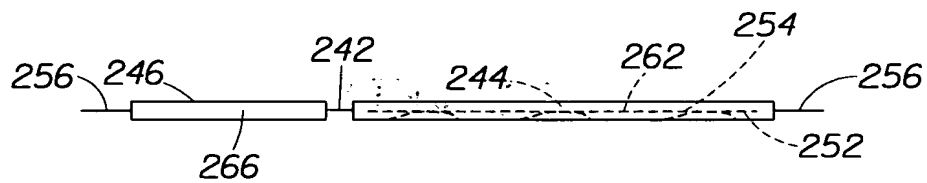


Fig. 29



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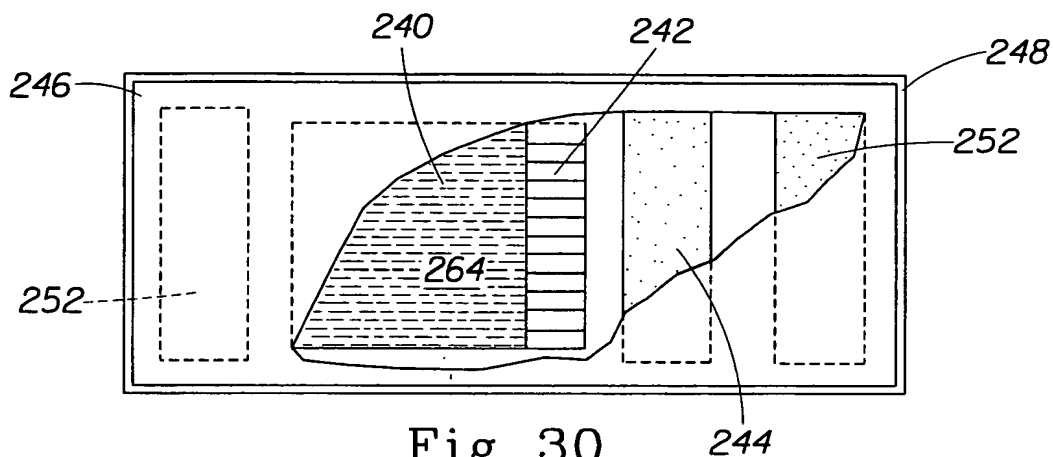


Fig. 30

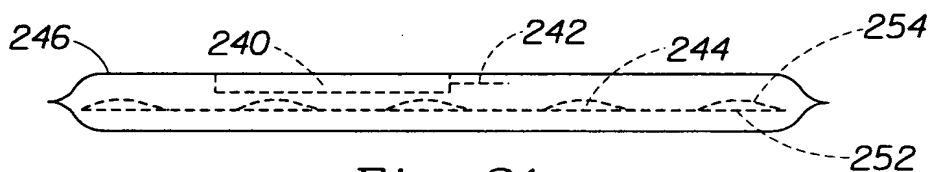


Fig. 31

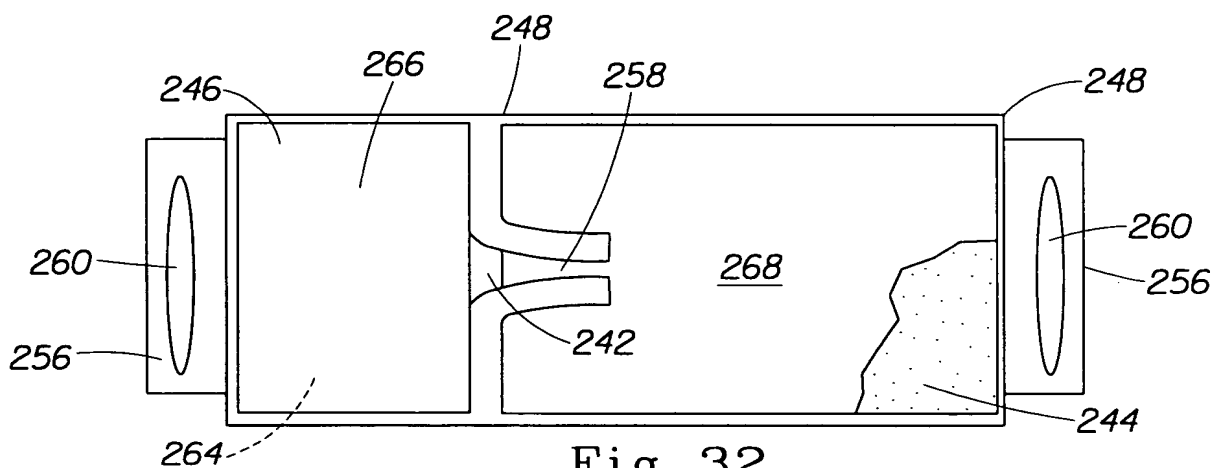


Fig. 32

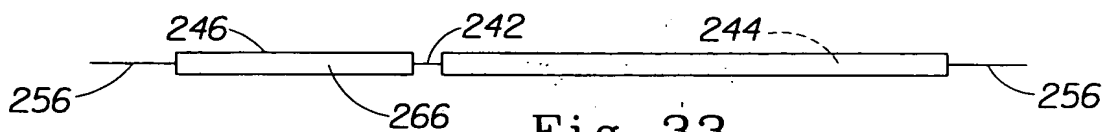
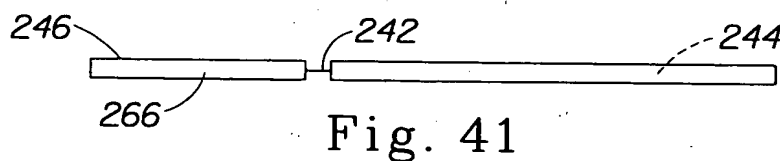
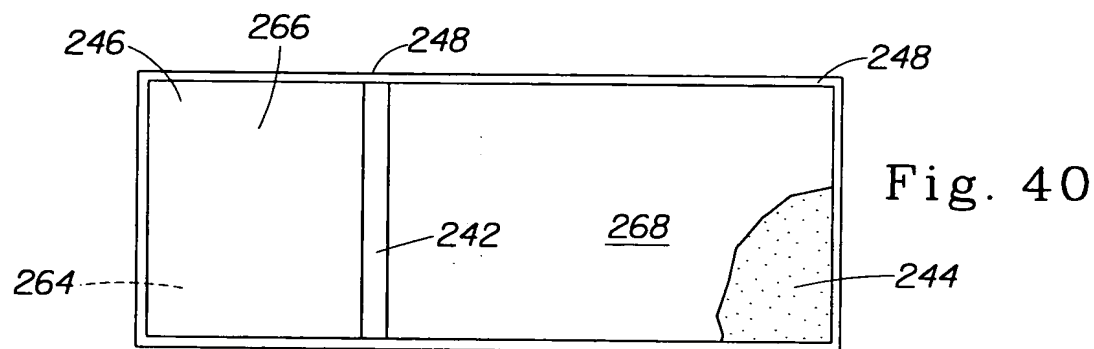
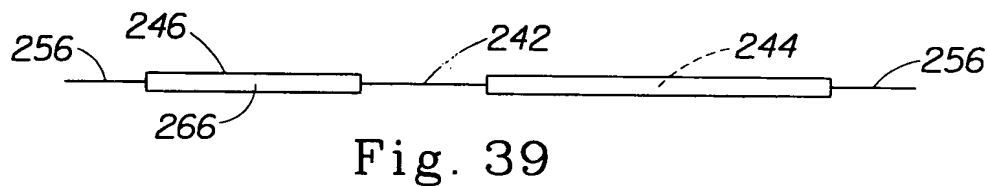
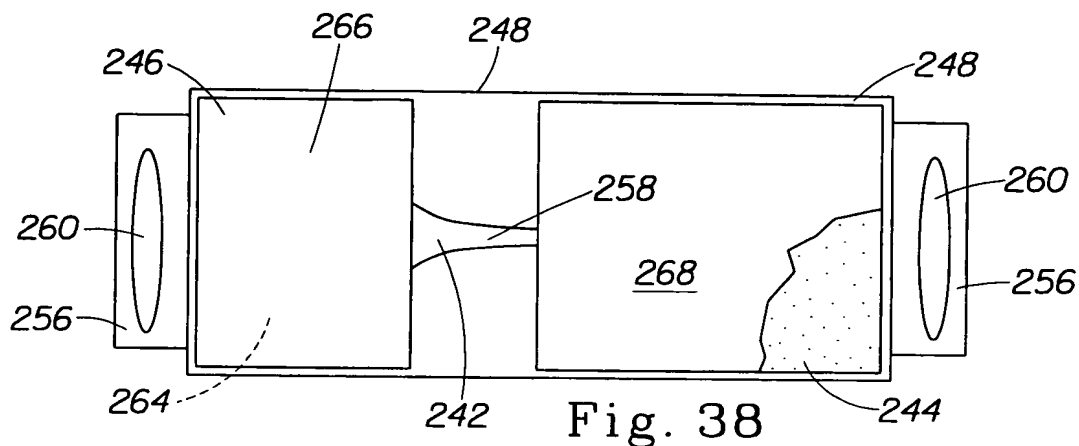


Fig. 33



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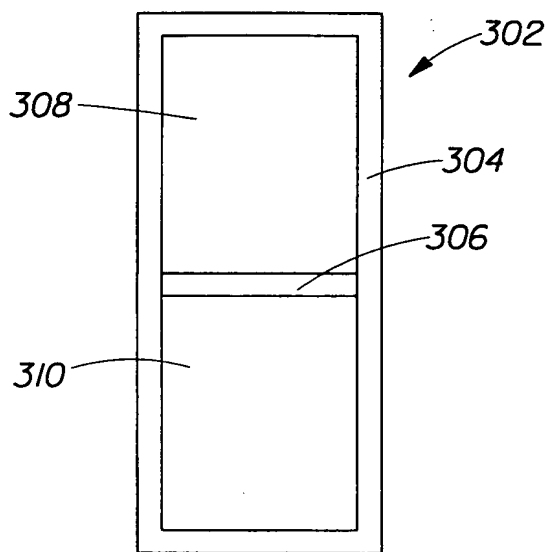


Fig. 46

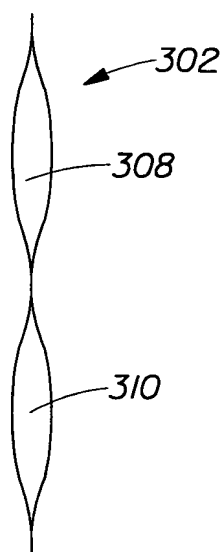


Fig. 47



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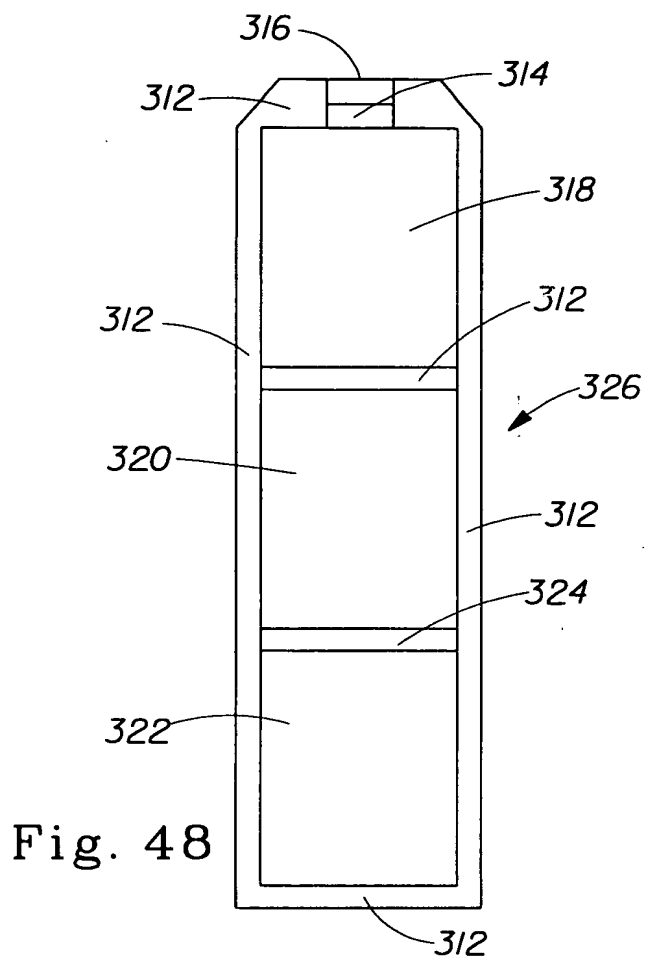


Fig. 48

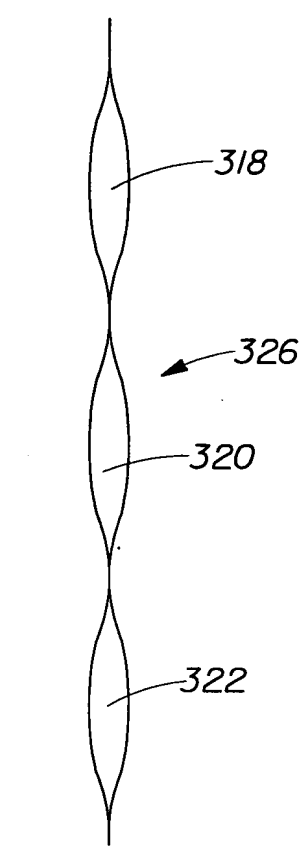


Fig. 49

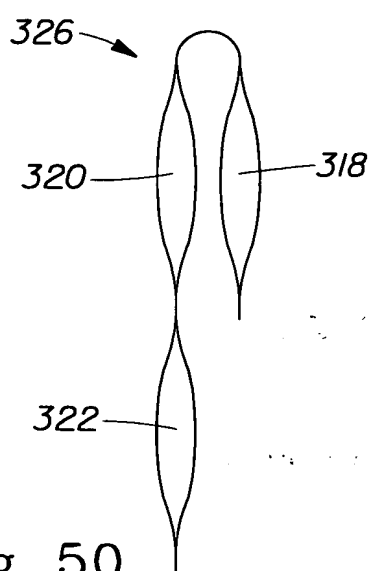


Fig. 50

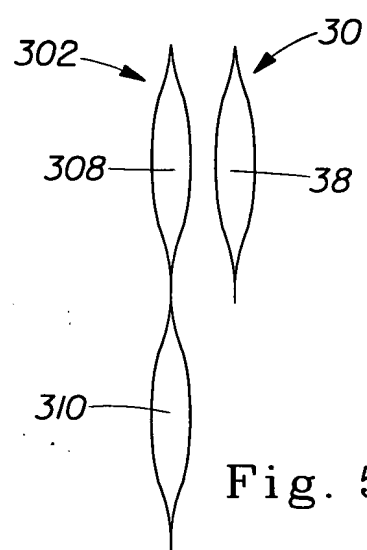


Fig. 51



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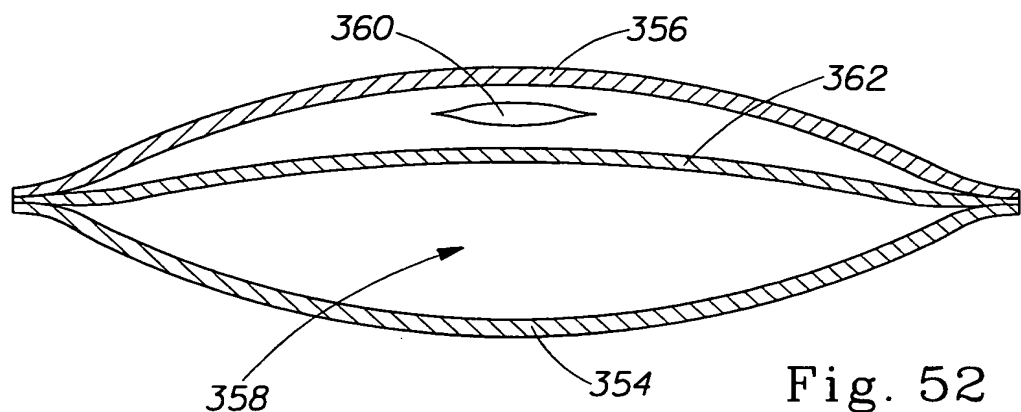


Fig. 52

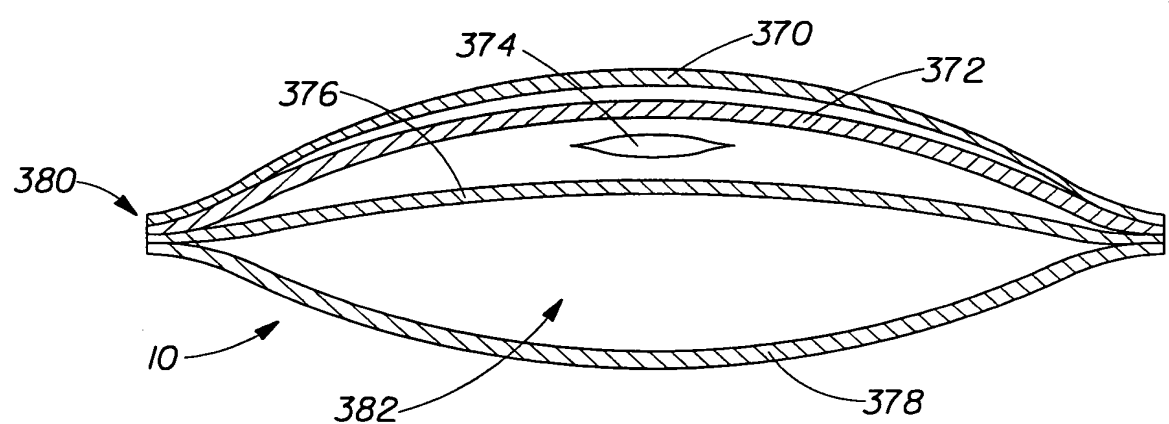


Fig. 53



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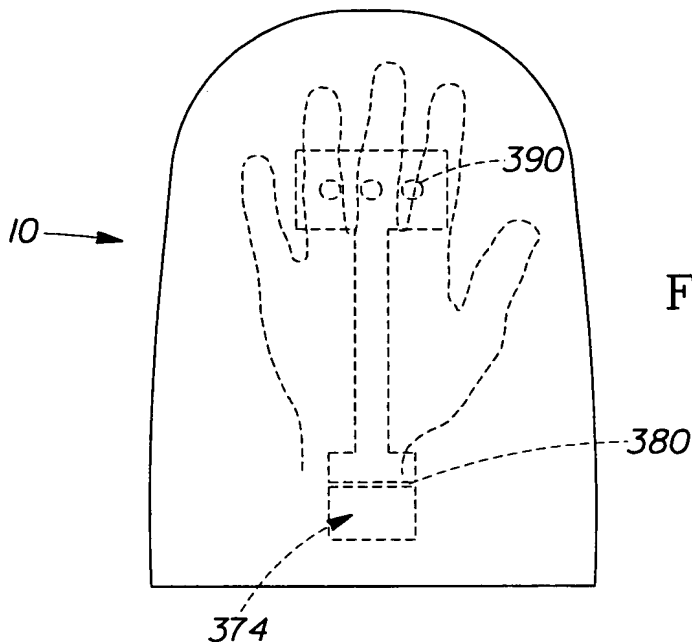


Fig. 54

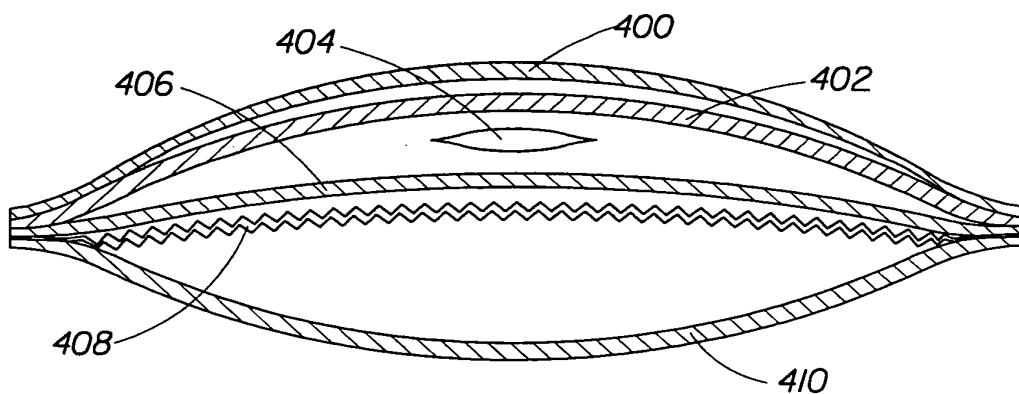


Fig. 55



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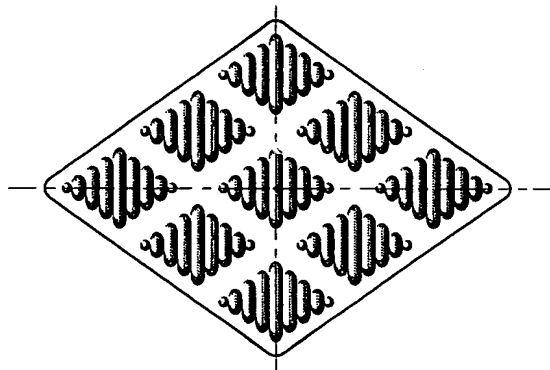


Fig. 56

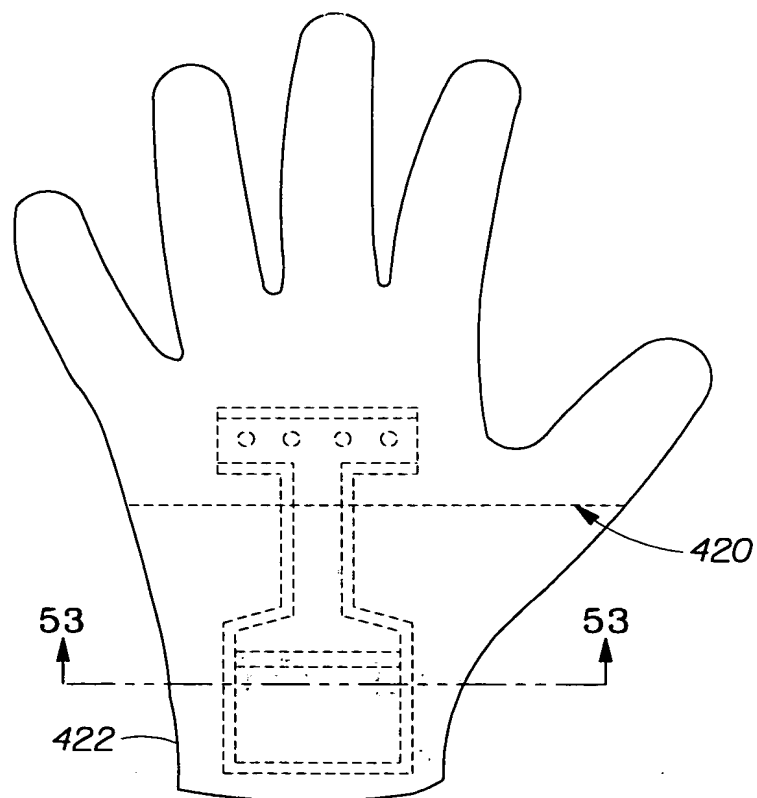


Fig. 57

Fig. 59



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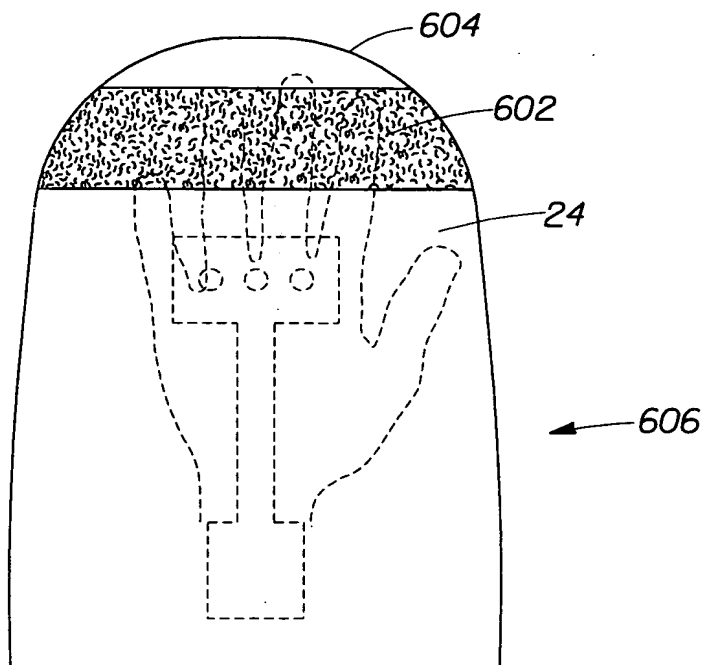


Fig. 60

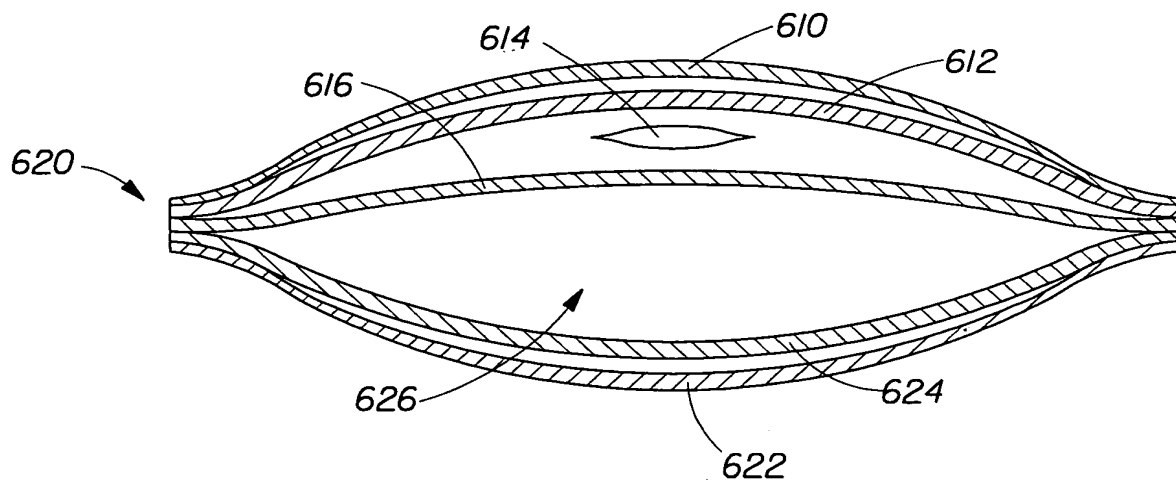


Fig. 61



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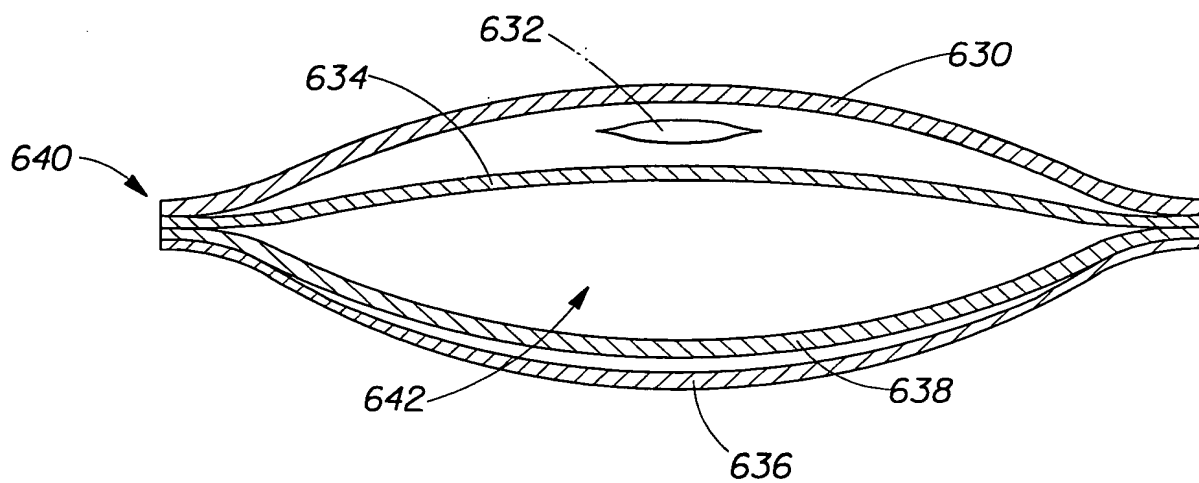


Fig. 62